

REMARKS

The application is amended and is believed to be in condition for allowance.

As an initial matter, the undersigned appreciates the courtesy extended by the Examiner in this case in conducting a telephonic interview on May 21, 2009 ("the Interview"). During the interview, particular recitations of the independent claims were discussed in light of the references cited in the Official Action of February 3, 2009 (the "Official Action").

In particular, it was indicated by the Examiner that an amendment to claim 1, reciting that the second end of the internal lateral panel (13) is connected by an articulation (52) to the bottom panel (2) along and adjoining the articulation (14) between the first end of the external lateral panel (10) and the bottom panel (2), would place claim 1 into condition for allowance.

It was further indicated that the recitation of at least two locating tongues (20, 21) disposed in an opening (15) and attached to a internal lateral panel (13) only by an end opposite a bottom panel (2) was likely to distinguish over the cited references, Lamare (EP 0693428; "LAMARE") and DeNola (US 5,529,187; "DENOLA").

Amendments to the Claims

Claim 1 is amended to recite the internal lateral panel (13) also includes a second end connected by an articulation (52) to the bottom panel (2) along and adjoining the articulation (14) between the first end of the external lateral panel (10) and the bottom panel (2), based on the Interview as set forth above. The amendment finds support in the specification and the drawing figures as originally filed (e.g., Figures 4 and 6) and does not introduce new matter.

Claim 16 is amended to recite the internal lateral panels (13) further including a cut-out (15) delimiting at least two tongues (20, 21) juxtaposed to each other and attached to the rest of the panel (13) only by a first end (22) of each tongue (20, 21) opposite the bottom panel (2). The amendment finds support in the specification, drawing figures, and claims as originally filed (see, e.g., page 9, lines 22-28; Figures 4-8); in particular, the amendment is consistent with the recitation of the juxtaposed tongues recited in claim 1. The amendment to claim 16 thus introduces no new matter.

Entry of the amendments to claims 1 and 16 is respectfully solicited.

Rejections under Section 103

The Official Action rejected claims 1-3, 5-11, 15-16, and 19-21 under 35 USC 103(a) as being unpatentable over LAMARE in view of DENOLA.

The Official Action rejected claim 4 under 35 USC 103(a) as being unpatentable over LAMARE and DENOLA, and further in view of Saiki et al. (US 5,829,587; "SAIKI").

The Official Action rejected claims 12-14, 17, and 18 under 35 USC 103(a) as being unpatentable over LAMARE and DENOLA, and further in view of Carpenter (US 2,846,132; "CARPENTER").

The rejections are respectfully traversed for at least the reasons that follow.

As to claim 1, it is respectfully submitted that neither of LAMORE or DENOLA, individually or in combination, teach or suggest an internal lateral panel (13) including a second end connected by an articulation (52) to a bottom panel (2) along and adjoining the articulation (14) between a first end of an external lateral panel (10) and the bottom panel (2), as recited by claim 1.

On the contrary, LAMARE teaches, for each box section, an external lateral panel with a first end connected by an articulation 17 to a bottom panel, and a second end connected by an articulation to a first end of an intermediate panel 18, the latter also including a second end connected by

an articulation 20 to a first end of the internal lateral panel. The internal lateral panel also includes a second end (see fold line between panel 11 and panel 19) to the bottom panel.

The articulation is located at a distance from the articulation between the first end of the external lateral panel and the bottom panel.

Hence, LAMARE does not teach a second end of an internal lateral panel 11 located along and adjoining the articulation between the external lateral panel 8 and the bottom panel 7.

Therefore, based on the foregoing and on the Examiner's indication of allowable subject matter as expressed in the Interview summarized above, it is respectfully submitted that claim 1 has been placed into allowable condition, and that claims depending from claim 1 are allowable at least for depending from an allowable claim.

In addition to the foregoing, it is further respectfully submitted that neither of LAMORE or DENOLA, individually or in combination, teach or suggest at least two locating tongues (20, 21) disposed in an opening (15) and attached to a internal lateral panel (13) only by an end opposite a bottom panel (2), as required by claim 1 and amended claim 16.

On the contrary, DENOLA teaches openings 64 and 62, in box section 30 and 32, respectively (e.g., Figure 1). The openings 64 and 62 mirror each other, and each opening contains two cushioning tabs 66, 60 (Figures 1, 2a), wherein each pair of cushioning tabs in each slot face each other.

Each of the openings 64 are spaced from each other by a portion of the box section 30 in order to isolate the board or card-like member that is intended to be fit into said openings (Figure 1; column 1, lines 44-48). "The spacing between adjacent slots... maintains article separation," (column 3, lines 38-41; Figures 1 and 3). The cushioning tabs 66 of each slot 64 are likewise separated by a portion of box section 30 (Figures 1 and 3).

Hence, neither the slots nor the cushioning tabs of different slots are "juxtaposed". At best, the cushioning tabs are juxtaposed only in that the two cushioning tabs within an individual slot or opening have opposite ends that meet each other (Figure 3).

Claims 1 and 16 both require at least two tongues be disposed in the opening, and that the tongues be attached to an internal lateral panel only by a first end of each tongue opposite a bottom panel.

DENOLA cannot teach this. DENOLA expressly teaches that the cushioning tabs are "foldably joined to the upper and lower end edges of each slot, respectively, meeting in the

middle," (column 3, lines 46-48; Figures 1-3). Thus, if the two cushioning tabs of DENOLA are "juxtaposed" in that opposite ends of the two tongues meet in the middle of the slot, there can be no teaching or suggestion of two locating tongues attached to an internal lateral panel only by an end opposite a bottom panel. To meet in the middle, DENOLA's cushioning tabs must be "joined to the upper and lower end edges of [the] slot."

Hence, DENOLA neither teaches nor suggests two tongues juxtaposed to each other and attached to the rest of the panel (13) only by a first end (22) of each tongue (20, 21) opposite the bottom panel (2), as required by claim 16 and also by claim 1.

It is further respectfully submitted that the Official Action concedes that LAMARE does not teach any specifics of the opening recited by claims 1 and 16.

It is therefore respectfully submitted that DENOLA and LAMARE, individually or in combination, fail to teach all the features required by amended claim 16, and further fail to teach all the features required by claim 1.

Accordingly, it is respectfully submitted that claim 16, and claims depending therefrom, are patentable over the cited references, and that claim 1 is patentable for the reasons set forth as to claim 16 in addition to the reasons set forth above as to an articulation to the bottom panel.

Reconsideration and allowance of the claims are respectfully requested.

From the foregoing, it will be apparent that Applicants have fully responded to the February 3, 2009 Official Action and that the claims as presented are patentable. In view of this, Applicants respectfully request reconsideration of the claims, as presented, and their early passage to issue.

In order to expedite the prosecution of this case, it is requested that the Examiner telephone the attorney for Applicants at the number set forth below if the Examiner is of the opinion that further discussion of this case would be helpful.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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